

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SOUTHWESTERN BELL TELEPHONE
COMPANY D/B/A AT&T TEXAS,

PLAINTIFF,

VS.

F. CARY FITCH D/B/A AFFORDABLE
TELECOM,

DEFENDANT.

CIVIL ACTION NO. 4:09-CV-01548
(JURY)

~~PROPOSED~~ SCHEDULING AND DOCKET CONTROL ORDER

The disposition of this case will be controlled by the following schedule:

1. (a) **NEW PARTIES** shall be joined by: January 4, 2010
The attorney causing the addition of new parties must provide
copies of this Order to new parties.

(b) **AMENDMENTS to PLEADINGS** by Plaintiff or Counter-
Plaintiff shall be filed by: **March 29, 2010**

(Absent parties' agreement or court approval, answers may not be amended
more than 20 days after this date. Answers to amended claims and
counterclaims are due 20 days after amended claims or counterclaims are filed.)
2. **EXPERT WITNESSES for PLAINTIFF/COUNTER-PLAINTIFF** shall be identified
by a report listing the qualifications of each expert, each opinion the expert will present,
and the basis for each opinion. DUE DATE: **April 26, 2010**
3. **EXPERT WITNESSES for DEFENDANT/COUNTER-DEFENDANT**
shall be identified by a report listing the qualifications of each expert, each opinion the
expert will present, and the basis for each opinion. DUE DATE: **May 24, 2010**
4. **DISCOVERY** must be completed by: **July 19, 2010**
Written discovery requests are not timely if they are filed so close to this deadline that the
recipient would not be required under the Federal Rules of Civil Procedure to respond
until after the deadline.

5. **MEDIATION/ADR:**

✓ Required; Strongly suggested
 Parties' Option

ADR TO BE COMPLETED by:

March 21,
~~August 23,~~ 2010

NOA

6. **DISPOSITIVE MOTIONS** will be filed by:

August 23, 2010

7. **ALL OTHER PRETRIAL MOTIONS** will be filed by:

August 23, 2010

(including *Daubert/Kumho* motions, but *not* including other motions in limine)

8. **JOINT PRETRIAL ORDER** will be filed by:

November 30,
~~September 27,~~ 2010

Plaintiff is responsible for timely filing the complete Joint Pretrial Order in the form set forth in the published Court's Procedures.

9. **DOCKET CALL** is held in Courtroom 9-F, starting at 4:00 p.m.

Dec. 8, 2010

on the date listed here. (The Court will set this date.)

Absent parties' agreement, no documents filed within 5 days before the Docket Call will be considered at Docket Call without prior permission of the Court to late file.

Signed on *Aug. 26, 2009* at Houston, Texas.

Nancy F. Atlas
Nancy F. Atlas
UNITED STATES DISTRICT JUDGE

APPROVAL REQUESTED:

/s/ Timothy A. Whitley *2* 8/19/2009
Counsel for Plaintiff(s) Date

/s/ W. Scott McCollough *[Signature]* 8/19/2009
Counsel for Defendant(s) Date